E. P. 4 **(1940) Department.**

Ms. **SERIES.**

G.O. No.	3626 - P-4.
Dated	10 - 8 - 40

[Despatch Abstract.]

Town Planning -

Mangalore Municipality - Falneer Town Planning Scheme - Modifications - Papers-recorded.

C.F. 30.

DEPARTMENT.

Received ..... 19 . Registered 19

DIRECTOR OF TOWN PLANNING
Cro 3313
MADRAS

Subject.

G.O. No. 2158 (Vide p. 8 ante)

TOWN PLANNING - Falneer Town Planning Scheme - Modification under proviso to Section 15 (1) -- Sanction -- requested.

****

ENCLOSURES.
No. .....
Spare copies ...

C. No. 7111-D2-59

Station Mangalore, *Dated the* 5th December 1939.

From (Name) Sri M.Narayana Shenoy, B.A.,B.L.,
(Designation) Commissioner, Mangalore Municipality, Mangalore.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Through
The Chairman,
Municipal Council,
Mangalore., & the
Director of Town Planning, Madras.
Fort St.George, Madras.

Sir,

In the Falneer Town Planning Scheme sanctioned in G.O.No.1631 L.S.G., dated 3rd May 1937 road marked as J1 J7 which is now called the Bishop Victor Road is shown as one of 30 feet width - please see schedule III item 20 - But before the scheme was sanctioned the Council had favoured a major portion of this road with a width of 22 ft as it was sufficient. The work was taken up as

(H)

Item 20 of Sch. IV
cmp 18 of (H)

it was urgent and some of the owners of land gifted their land for the road. The only plots that remains to be acquired are portions of T. S. Nos. 611/B1A1 and 611/B2 of Attavar village now sub divided as T. S. Nos.611/B1 A1 B, 611/B2 A and 611/B2B.

Under the proviso to sub section 1 of Section 15 of the Madras Town Planning Act the Municipal Council has decided to modify the scheme by reducing the width of the road to 22 ft and acquiring the land required for the road at its cost. Ther are only 4 persons who are interested in the acquisition of land for this road whose statements (copies) agreeing to the modification are enclosed. A copy of the Resolution of the Council in the matter is also enclosed. I request that Government may be pleased to accord sanction to the modification at an early date.

pp 3-6 infra
p. 7 infra

Commissioner, M.M.

F o r w a r d e d:

B. Venkatarao Naidu
Chairman, M.C.

Dated:

Compd/ 7.12

HDU/7/12/39/a

DIOCESS OF MANGALORE

Bishop's House,
Kodialbail,

Mangalore, 24th Novr. 1939

From

The Lord Bishop of Mangalore,

To

The Commissioner Delegate,

Mangalore Municipality.

Ref: No. 7111/D2-39, dated 24th October 1939.

S i r,

Town Planning - Falneer Town Planning Scheme -- Variation of scheme proposal -- Road J.J.7 - Bishop Victor road.

I have no ~~obligation~~ (Reasonable objection) to reducing the width of the road from 30 feet to 22 feet and accordingly the acquisition may also be reduced by 8 feet.

Sd/ x

Bishop of Mangalore.

/True Copy/

Municipal Office, Mangalore,
Dated the 5th December 1939.

Commissioner, M.M.

Compd/ 8/7.12

HDU/7/12/39/P

STATEMENT OF F.D.GAMA,MULGENIDAR OF A PORTION OF T.S.No. 611/B1A1 of ATTAVAR VILLAGE.

I am the Mulgenidar of a portion of T.S No.611/B1A1 of Attavar village. Mr. F.P.S.Albuquerque is the Mulidar of the plot. I know that there is a proposal to open a road across T.S.No.611/B1A1 in the Falneer Town Planning Scheme. I understand that the width of the proposed road in the scheme is 30 feet in the scheme. The Municipality proposes to have a 22 ft road in its place. I have no objection to this proposal. I consider that a 22 feet road is sufficient for the needs of the locality.

All this is true to the best of my knowledge.

Sd/ F.D.Gama

Given by Mrs. F.D.Gama on 24th October 1939 for Mr. F.D.Gama.

Sd/K.Dinker Rao, 24.x.39
Town Planning Overseer

/True Copy/

Municipal Office,
Mangalore,5-12-39

Commissioner, M.M.

Compd/ 7.12

HDU/7/12/39.

Statement given by Mr. F. P. S. Albuquerque to the Municipal Town Planning Overseer on 16th October 1939.

I am the Mulgar of the plot T.S.No.611/B1A1 of Attavar village. Part of this has been given to the Bishop on Mulgeni and portions to Mr. J. Medina and to Mr. F.D.Gama. I know that a road has been proposed in T.S.No.611/B1 A1.under the Falneer Town Planning scheme. The width of this road in the scheme which.is marked as J1 to J7 is 30 feet. But I consider that a 22 ft road is sufficient. The road at either end is only 22 ft. I have no objection to the acquisition of land for a 22 ft. road and also for the modification the Town Planning Scheme for this purpose.

Sd/F.P.S.Albuquerque
16/10/39

Read over by the deponant and admitted by him to be correct.

Sd/K.Dinker Rao,
16.10.39
Town Planning Overseer

/ True Copy /

Municipal Office, Mangalore,
Dated the 5th December 1939.

Commissioner, M.M.

HDU/7/12/39/P

Compd/ 7.12

Statement given by Mr. Joseph Medina Mulgenidar of T.S.No.611/B1 A1 (portion) of Attavar village to the Municipal Town Planning Overseer dated the 10th October 1939.

--

I am the owner of T.S.No.611-6/B1A1 of Attavar village. I understand that 30' road is proposed in the Town Planning Scheme (Falneer) across T.S.No.611-6/B1A1 But as the major portion of the road that has been opened is only 22' and that will serve us our purpose, hence I have no objection for the continuance of this road with 22' width.

Sd/J.Medina

Read over by the deponant and admitted by him to be correct.

Sd/K.Dinker Rao,

Town Planning Overseer
10.10.39

/ True Copy /

Municipal Office,
Mangalore, 5-12-39.

Commissioner, M.M.

Compd/ 7.12

HDU/7/12/39/p

Extract from the Proceedings of the Mangalore Municipal Council, dated the 25th September 1939.

*****

63. Read letter D.T.P. No.2445/39, dated the 8th September 1939 from the Director of Town Planning, informing that he is unable to approve the reduction of the width of the road shown as J1 to J 7 from 30 feet to 22 feet under clause 9(a) of the Falneer Town Planning scheme and requesting to take action under section 15 of the Madras Town Planning Act and office note stating that action may be taken under proviso to sub section 1 of Section 15 of the Madras Town Planning Act.

The Council resolves that agreement be taken from the persons interested in the scheme in accordance with the provisions of section 15 of the Town Planning Act and after the agreement is taken the scheme be modified by reducing the width of the road to 22 feet instead of 30 and the sanction of the Government be obtained for the said modification.

x x x

Sd/B.Venkatarao Baliga,
Chairman, M.C.

/True Extract/

Municipal Office,
Mangalore, 5-12-1939.

Commissioner, M.M.

HDU/7/12/39/p 7.12

C.F. 30.

TOWN PLANNING // DEPARTMENT.

Received 17 JAN 1940 19 Registered 2178 19

Subject.

Town Planning - Falneer Town Planning Scheme - Mangalore - Modifications.

ENCLOSURES
No.
Spare copies

D.T.P. No. 113/40

Station Mount Road, Madras *Dated the* 16th January, 17 1940

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,
(Designation) Ex-Officio Director of Town Planning,

To The Secretary to the Government of Madras,
Education and Public Health Department.

Sir,

Ref: Commissioner's letter to Government C.No.7111-D2 39 dated 5th December 1939.

Forwarded.

2. The proposed modificationx is with respect to a 30 feet road marked J.J.7 in the scheme map and shown as item 20 in schedule III of the sanctioned scheme, G.O. No.1631 L.S.G., dated 3-5-37. This road which is included in the scheme as owner's or private road is now proposed to be made by the Municipal Council at its own cost reducing its width from 30' to 22'.

3. In this connection copies of the previous correspondence of the Commissioner C.No.7111-D2-39 dated 7-7-39

C.P. Mufra p.t.o.

and this office D.T.P.No.2445 dated 8-9-39 are enclosed for information of the Government. While the District Municipalities Act specified for streets a minimum width of 40' the scheme has specified in this particular case a width of 30 ft. only and the Municipal Council now wants to reduce this width further to 22'. The formation of this road may however be undertaken by the Council to the proposed width of 22', if at least all the owners of lands agree to hand over the land for the road free of cost to the Council. But the Commissioner says that only some of the owners of land gifted their land for the road and the remaining portion of land not gifted will be acquired by the Council. In the normal course of private land development this road ought to be made by the owners under sections 175 and 176 of the District Municipalities Act and the provisions of the sanctioned scheme. No adequate reason has been given by the Municipality for forming the road entirely at its cost and for reducing the width of the road from 30' to 22'.

4. If the proposal of the municipal council is however accepted, it will involve modification of the scheme in the following respects.

(i) Reclassification of the road J.J.7 from 'owners' to Council' (i.e. from private to public) and alteration of its width from 30' to 22'. Item 20, schedule III.

(ii) Acquisition of land for the road J.J.7 which is not originally proposed in the scheme. Schedule VI.

(iii) Increase in the estimated cost of the scheme. Schedule II and

(iv) Inclusion of the road in the statement under clause 9(b) of the scheme where it is not included.

5. In respect of items (i) & (iii) above, there may be no objection to making the necessary changes in the schedules III & II. But it appears that no changes can now be made in schedule VI in respect of item (i) and in the statement under clause 9(b) in respect of item (iv). The acquisition of land required for the completion of the road may only be made now under the powers of the District Municipalities Act and in

accordance with the land acquisition Act, 1894 (and not under the provisions of Chapter VII of the Town Planning Act.) No betterment claim also may be made by the Council in respect of the road under the scheme.

6. Neither the resolutions of the Council nor the letter of the Commissioner points out specifically what particular modifications are to be made in the Scheme.

7. The Commissioner has sent, with his letter, copies of statements from four persons only, who are stated to be interested in the acquisition of further land required for the road, agreeing to the modifications of the scheme. It is for consideration whether agreements from these four persons are adequate for the purposes of the proviso to sections 15(1) of the Town Planning Act, which requires the entering into agreement with "the persons interested in the scheme." It would therefore be safer to make any modification in the scheme only under section 15(2) of the Town Planning Act instead of under the proviso to section 15 (1).

R Lanham.

ve.16.1 for Ex-Officio Director.

Copy of letter No. 7111-D2-39 dated 7-7-39 from the Commissioner, Mangalore Municipality, Mangalore, to the Director of Town Planning, Madras.

Sub: Town Planning - Mangalore Municipal Council - Falneer Town Planning Scheme - Changes - Approval - Requested.

In the Falneer Town Planning Scheme sanctioned in G.O.No. (H) 1631, L.S.G., dated the 3rd May 1937 the road marked as J.J.7 is one of 30 ft. widtn. But a major portion of this road has been already formed before the scheme was sanctioned with a width of 22 ft. which is considered sufficient. The work of this road was taken from either ends and some of the owners of land have gifted their land for this road. In order to complete the road the bit of land shown in the enclosed sketch is required which is now being acquired. I request you kindly to accord your approval for this change under clause 9(a) of the scheme.

Sd. 10-7-39
Commissioner, M.M.

Copy of letter No. D.T.P.2445 dated 8-9-39 from the Director of Town Planning, Madras, to the Commissioner, Municipal Council, Mangalore.

Sub: Falneer Scheme - Road J.J.7 - Mangalore.
Ref: Your No.7111/D2/39 dated 7-7-39.

-

The total length of the road ~~EM~~ J.Ji to J7 is 4426 ft. According to the scheme - Schedule III - this road should be 30 ft. in width and formed by the owners. The scheme also specifies a distance of 40 ft. between building lines and 20 ft. width of metalling. The reduction of the width of the road from 30 ft. to 22 ft. and the proposal to acquire land for a portion of the road and form the road at the cost of municipal council, are not "reasonable modifications" that can be approved by this Department under clause 9(a) of the scheme. The modification involves material alteration of road width, involves acquisition of land not originally proposed to be acquired or formation of road not originally proposed to be made by the Council, and therefore is a variation of scheme which may be carried out only in accordance with section 15 of the Town Planning Act.

P. 50.

DEPARTMENT.

Received ..... 19 . *Registered* 2 [illegible] Cro. 285

DIRECTOR OF TOWN PLANNING MADRAS

Subject.

Town Planning - Falneer Town Planning Scheme -- Modification - Sanction - Requested.

Mp 1 – 2aute This Office letter 7111/39-D2, dated 5.12.1939.

Rect. 23.1.40

ENCLOSURES.
No. .....
Spare copies

No. D2-7111/39

Station Mangalore, *Dated the* 16th January 19 40.

From (Name) Sri M. Narayana Shenoy, B.A.,B.L.,
(Designation) Commissioner, Mangalore Municipality.

To The Secretary to the Government of Madras,
Through
The Chairman,
Municipal Council, Mangalore,
& The Director of Town Planning, Madras.

Education & Public Health Department.
Fort St.George, MADRAS.

Sir,

I request that Government may be pleased to pass early orders on the reference noted above.

Commissioner, M.M.

Forwarded:

16th January 1940 B Venkataraya Baliga Chairman, M.C.

HDU/17/1/40/a

Compd: 17.1.40.

C.F. 20.

TOWN PLANNING DEPARTMENT.

F

3518

13

Received ..... 19 . Registered 19

Subject.

Falneer Town Planning Scheme - Mangalore.

Enclosures.
No.
Spare copies

D.T.P. No. 224/40

Station Mount Road, Madras, Dated the 26th January, 1940.

27.

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,

(Designation) Ex-Officio Director of Town Planning,

To The Secretary to the Government of Madras,

Education & Public Health Department.

Sir,

Ref: From Commissioner, D.2-7111/39 dated 16-1-40 to Government.

p. 12 ante.

Forwarded in continuation of this office endorsement D.T.P. 113/40 dated 17-1-40.

pp 8-10 ante.

Ranganathan

ve.26.1

for Ex-Officio Director.

26/1

29/1

E.H.A.

CNo. 2158 From the Commr., Mangalore Mty., CNo. 7111 – D2-39, dt 5.12.193
f. 1 cf. From the D.T.P., No. 113/40, dt 16/17/1/1940.
pp 8 cf.

Town Planning – Mangalo
Mty. – Kalmeer T.P. Scheme –
Modifications.

Memo:- 2158/40 – 1F(1) dt 1.3.1940

A copy of the remarks
pp 8 – 10 cf. of the D.T.P. on the letter of
the Commr., Mangalore Mty.
read above is communicated
to the Commr., Mangalore Mty.
He is requested to place the
points raised by the D.T.P.
before the Cl. and submit to
the Govt. ~~a copy~~ a report on the
views of the Cl. in the matte

2. He is also requested to
state if only the four persons
from whom he has obtained
statements agreeing to the
modifications are interested in
the matter, and, if not, who
~~are~~ the other interested persons are. The
Ml. Cl. should clearly ~~give~~
~~enough reasons to justify~~
~~the proposal~~

necessitate which further
Modifications are to be made to the Scheme
and give reasons for justifying such modifications
proposed modifications. for same.

3. The report of the
Commr. should be submitted
through the Collr. of South Kanara
and the D.T.P.

DRY
1.3.40.

The Commr., Mangalore M.Cy.

(With copy of pp 8-10 for info)
Through the Collr. of South Kanara
" D.T.P.

Subject — (As given on the previous page)

Memo. no. 2158-40-2-F-P.H. dt 20-7-40

The Comm. of the Mangalore municipality is requested to report the present stage of the matter and when his report may be expected to reach the govt.

SRM
20/7/40.

Dpd. by Van / Post / Messenger
Dpr.'s initials. 26/8
Date 193

26-8-40

20

The comm. of the Mangalore municipality through the D.M.C. Mangalore.

Dpd. by Van / Post / Messenger
Dpr.'s initials. 23/8
Date 193

Edw. & P.H. Dept

C.No. 2158 From the Commr., Mangalore Mty., C.No. VIII-Dr-38 dated 5.12.193

From the D.T.P., No. 1103/40, dated 16/17/1/1940

C.No. 3518 From the Commr., Mangalore Mty., No. Dr-VIII/38, dt 16.1.194

From the D.T.P., No. 2284/40, dated 26/27/1/194

Mangalore Mcplty —

Town Planning — Valneer Town Planning Scheme — Modification.

T.Hing sheets indicate mcplty. Local clarificatn shd be adopted

The Valneer Town Planning Scheme Mangalore was sanctioned in Go. No. 1631 L.S.G. dated 3.8.1937. The Mangalore Mcl. Cl. now applies to the Govt. under the proviso to sub-section 1 of section 15 of the T.P. Act, for a modification of the sanctioned scheme in respect of the width of the road marked T_1 T_{17}. The Cl. wants that the road may be only 22 feet wide instead of 30 feet as originally sanctioned, and the land required for the purpose may be bought at its cost. The statements of the four persons interested in the alteration of the width of the road have been obtained by the Commr., Mangalore Mty, copies of which will be found on pp. 3–6 C.f.

copy at (H) Original not available in the P.W.D.

2. The remarks of the D.T.P. on the proposal of the Cl. are on pp. 8–10 C.f. On the whole, the D.T.P. does not seem to be in favour of the proposed modification. In para 3 of his letter on pp. 8–9 C.f., he states that the road under reference ought to be made by the common owners of the lands

Item 20 of Schedule IV onp. 120 of (H)

lands adjacent to the road, and that the Cl. has not furnished adequate reasons for forming the road at its cost and reducing the width of the road. In para 4 of his letter on p. 9 c/f, he enumerates the four modifications which the Cl's. proposal involves, and in para 5, he states that it will be difficult to make the first and fourth modifications and that, if the modifications were made, no betterment tax can be levied by the Mc. Cl. in respect of the road. He further points out that neither the Cl. nor the Commr. has stated exactly what particular modifications are required, that the the statements of the four persons on pp. 3-6 c/f are not enough to justify the Cl's. proposals and that if at all any modification is to be made, it can be done only under sec. 15(2) of the T.P. Act, and not under sec 15 (1).

3. It is for consideration whether, in view of these difficulties pointed out by the D.T.P., the Cl's. proposal may be turned down. If, however, the Cl's. request is to be granted, a reference should be made to it, communicating a copy of the D.T.P's. remarks, and asking it in what particulars exactly the scheme should be modified.

4. For orders.

A copy of the DTP's report may go to the Council.

15/2/40.

19/2

Mcpl Council and they may be asked to report (1) who are all the other persons interested (2) justify giving reasons, for the modification suggested. The report, to be submitted thro' the Collr & the D.T.P.

SRK
22/8/40.

A draft memo is submitted below for approval.

SRK
23/8/40.

SRK
1 3 40

Record and ask D.T.P. to watch the progress of the further stages of this by calling for periodical reports if necessary.

CallBK 4.1.41

SRK
3/8/40.

A draft order is submitted for approval.

SRK
6.8.40

SRK
9 8 40

C.F. 30.

DEPARTMENT.

Received ..... 19 — 31423 — Registered 19

Subject.

Town Planning - Mangalore Municipality - Falnir Town Planning Scheme - Modification.

Ref: 1st, Government Memorandum No.2158-40 2 F dated the 20th July 1940.

Share file Sec 21/8/40

E & P.H. Dept. the Comm. may be reminded a month hence, if necessary. 2.8.40.

ENCLOSURES.
No. .....
.....
Spare copies .....

C3/ No. 7111/39

Station Mangalore, *Dated the* 27th July 19 40.

From (Name) Sri M. Narayana Shenoy, B. A., B. L.,
(Designation) Commissioner, Mangalore Municipality.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Fort St. George, Madras.

Through
The Chairman,
Municipal Council,
Mangalore.

Sir,

The Council has referred the matter to the Town Planning Committee. The report of the committee together with the Council's decision will be duly communicated to Government early.

Commissioner, M.M.

Forwarded:

Dated:

Venkatarao Balige
Chairman, M.C.

DESPATCHED 31 JUL 1940

Copy to the Collector of South Kanara, with reference to his letter Ref.B4/1689/40, dated 26th July 1940.

HDU/29-7/40. 29/7/40

20 / 36/48 V.N.

E & P.H. Dept.

Subject - Town Planning - Mangalore municipality. Talweer Town Planning Scheme - Modifications - papers - Recorded.

Read c. no. 2158. from the D.T.P. no. 113/40 dt 17.1.40
ante
T II a K. C. no. 31423. from the comr. of the Mangalore municipality. no. 7111/39 dt 27.7.40.

Order 3626/H dt 10.8.40.
ms.

Recorded.

the D.T.P. is requested to watch the further stages of the matter by calling for periodical reports from the comr. of the Mangalore municipality if necessary.

SRM
9.8.40

by
6.8.40.

20
the D.T.P.
the comr. of the Mangalore municipality through the C. Van Dec Manager by Mangalore

Dte 138
Date

call book
4-1-41.

Noted
by

DEPARTMENT.

Received 11 NOV 1940 19 . Registered 46278 19

Subject.

TOWN PLANNING - Falnir Town Planning Scheme -- Modification - proposal - Government Memo No. 2158/40-1F (P. H.) dated the 1st March 1940.

E & P.H. Dept (7)

(N) Lodged. The receipt of the sigd. letter submitted through the bailiff & the D.T.P. may be awaited till 4.1.41. with refce. to G.O.'s orders on page 18 of G.O. no. 3626 P.H. dated 10.8.40 a call book entry for the 4-1-41 has already been made.

ENCLOSURES.
Nos. 3 & 4
13.11.40

C3/ No. 7111-39 File with (N), there. Same CB. to retain

Station Mangalore, , Dated the 4th November 1940.

From (Name) Sri M. Narayana Shenoy, B. A., B. L.,

(Designation) Commissioner, Mangalore Municipality, Mangalore.

To The Secretary to the Government of Madras, Education & Public Health Department. Fort St. George MADRAS.

Through The Collector of South Kanara, Mangalore,
The Director of Town Planning, Madras,
& The Chairman, Municipal Council, Mangalore.

Sir,

A brief history of the Bishop Victor Road noted in the 'J' series in the Falnir Town Planning Scheme and which is now proposed to be modified, is as follows :- The work of this road was taken up by the Municipal Council as early as 1931 as desired by the residents of the locality, who were suffering for want of a road. At the same time Mr. F. L. Silva one of the owners of the land, affected by the proposed road, agreed to make a

DESPATCHED 9. NOV. 1940

make a f ee gift of his land required for a road. This gift was accepted and the land required for the road, here it was to join an existing road (Nandigudda Road) was acquired under the Land Acquisition Act. When these lands were being formed into road the Lord Bishop of Mangalore came forward and offered his land T. S. No. 632/1 which was in continuation to the land that was acquired. To the north of this land gifted by the Lord Bishop was some other private land beyond which again there was land controlled by the Bishop, Viz. the Seminary compound part of which was required for road purposes. So the Council decided to acquire the land up till this i.e. the south western corner of the Seminary compound. When this was acquired attempts were made to get the land from the Bishop free of cost. This having practically failed the matter was left as it was. In its Resolution No.41 dated the 19th June 1939, the Council sanctioned the further acquisition of land for connecting the two ends of the road. When this proposal was sent to the Revenue Divisional Officer for acquisition it was suggested that as the width of the road contemplated in the acquisition was less than that noted in the scheme, the Director of Town Planning has got to be consulted in the matter. But the Director in his letter dated the 8th September 1939 wrote to say that this modification may be carried out in accordance with section 15 of the Town Planning Act.

The modifications that are required are the following Viz.1) Inclusion of this road in the scheme under Clause 9 (b) and similarly change in the remarks column of Schedule III item 20 i.e. from "owners" to "Council"; 2) Reduction in the width of the road to

22 ft, the width of the metalling to 15 ft. Consequent on this the extent of the plots to be acquired noted in Schedule VI will have to be changed as also the cost of the scheme under Appendix II. These changes are all noted in the enclosure to this.

The only reason why the Municipal Council undertook the opening of the road is that the road was really of great use to the public and the residents wanted it.

The reason for the Council to fix up the width of the road at 22 ft is because it is considered sufficient for the needs of the locality and as the first offer of land was only that much. This is considered sufficient for the needs of the locality. The other changes are consequent on the above.

With regard to the other points raised by the Director of Town Planning, VIz. acquisition of land for this road, this can now be done only under the Land Acquisition Act as the 3 years period noted in Chapter VII of the Town Planning Act is over.

No betterment is to be claimed as remarked by the Director. This claim will be justifiable as Betterment is to be claimed not on account of the new road only, but on account of other improvements contemplated. The owners of the land in the scheme area have got the advantage of the scheme as a whole. Hence the claim has been made in respect of the properties abutting this road and this is pending consideration of the arbitrator.

The statement of only 4 persons were taken for

the modification as it was only the land belonging to these 4 persons was effected by the modification i.e. for the completion of the road. But now that the acquisition will have to be taken up under the Land Acquisition Act it is safer to make the modifications under Section 15(2) as observed by the Director of Town Planning.

The whole matter was placed before the Council which referred it to the Town Planning Committee. A Copy of the Town Planning Committee Resolution No. II dated the 2nd August 1940 is enclosed. This has been approved by the Council in its Resolution No.68, dated the 12th August 1940 (copy enclosed).- I request that Government may be pleased to approve the modification noted above which are given in the annexure.

Commissioner, M.M.

F o r w a r d e d:

B. Venkatarao Baliga.

Dated: Chairman, M. C.

Copy submitted to Government direct. ✓

H.D.U.6/11/40.

compd: 6-11-40.

No. .....

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 12th August *19* 40.

Resolution No. 68.

Read: Council resolution No.2, dated the 20th May 1940, referring to the Town Planning Committee the Government Memorandum No.2158/40-1F P. H., dated the 1st March 1940 forwarding a copy of the remarks of the Director of Town Planning, regarding the proposed modifications in the Falnir Town Planning

26

-- Scheme and the recommendation of the Town Planning Committee thereon.

Committee's recommen'ation is accepted.

x x x

Sd/ B. venkatarao Baliga

Chairman, M. C.

/ True Extract /

Municipal Office, Mangalore,)
Dated the 4th November 1940.)

Commissioner, M.M.

Compd: 6.11.40

H.D.U.6/11

Extract from the Proceedings of the meeting of the Town Planning Committee, dated the 2nd August 1940.

x x x

II. Council resolution No.2, dated the 20th May 1940 referring to the Town Planning Committee Government Memo No.2158/40--1 F P.H. dated the 1st March 1940 forwarding a copy of the remarks of the Director of Town Planning regarding the proposed modifications in th Falnir Town Planning scheme and the Commissioner's note thereon.

The Committee recommends the following in view of the remarks of the Director of Town Planning (1) The Government may be requested the reduction of width from 30' to 22' of the part of the road already constructed to be ratified (2) the balance of the road (Bishop Victor road) yet to be taken up be deferred until the parties come forward with gifts of land required.

x x x

Sd/ U.P.Mallya,
President.

/ True Extract /

Municipal Office, Mangalore,)
Dated the 5th November 1940.)

Commissioner, M.M.

H.D.U.8/11/40.

MODIFICATIONS.

1) Under clause 9 (b) of the scheme add 20 and J 1 J 7 after 18 and I I respectively.

2) In Schedule II under debits

(a) item 1 change Rs. 32,000 to Rs. 37,500

(b) item 2 (i) change Rs. 5,000 to Rs. 7,000

(c) " 2(ii) " Rs. 7,000 to Rs. 8,500

(d) " Total " Rs. 77,000 to Rs. 85,000

(e) " Approximate net cost in credit side change Rs. ~~53800~~ 53,000 to Rs. 61,000

(f) Under How the net cost is proposed to be met item 5 - change Rs.53,000 to Rs.61,000/-

3) In schedule III item 20 - change the width of street to 22 - Distance between building line to 30 width of metalling to 15. Under remarks substitute council for owners.

In schedule VI under road J J after 235/1 substituted the following.

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Purpose for which to be acquired.	Survey No affected.	Description of land, wet, dry, Inam or poromboke.	Name of the owner or occupier.	Boundaries of land required to be taken up. North. East. South West.	Extent to be taken up.
	640/1A	Garden	Municipal		9 cents
	640/1B	Wet	"		5
	640/1C	Garden	"		2
	640/1D	D r y	"		1
	634/2	Garden	"		6
	633	Poromboke	Government		7
	632/1	Garden	Municipal		10
	611/C2	"	"		21
	611/A3B	"	"		10
	611/B2B	"	Lord Bishop of Mangalore	611/B1A1A 611 611 611/B2A 611/B1A13 B2C A3B	23 "
	611/B1A1B	Dry	F.P.S.Albuquerque, Lord Bishop, F.Gama and J.Medina	611/B1B 611 611 611/B1A1A B1A1C B2B	19 "
	611/B1B	D r y	Municipal Council		7 "
	602/A1	Garden	"		8 "
	582/7	"	"		1 "
	577/2	"	"		2
	579/2	"	"		1
	580/9	Dry	"		1
	580/10	"	"		34
	580/13	"	"		~~12~~ 13
	580/12	"	"		1
	581	Poromboke	Government		10
	582 A	"	"		27
	587/1	D r y	N.Rama Rao, Domingo Silva Ida Fernandes	583/1 587/2 588 582A 582A	4½
	583/1	Garden	A.M.P.Sequeira and N.Rama Rao	584/1, 583/2, 587/1, 582/A&C	2½
	582/C	Dry	& N.Rama Rao	582/B, 583/1, 582/A, 582/A	1/2
	584/1	Garden	Mrs D.Mathias	585 584/2, 583/1, 582/B	3
	581/B	(~~Drydo~~)	"	585 584/1, 582/C 582/A	1

Compd:- 8.11.40

Commissioner, M. M.